UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

KEN PAXTON, in his official capacity as	§	
Attorney General of Texas,	§	
DAVID SCHNITZ,	§	
TRACY MARTIN, and	§	
FLOICE ALLEN,	§	
Plaintiffs,	§	
	§	
VS.	§	Civil Action No. 4:22-cv-00143-P
	§	
STEVEN M. DETTELBACH, in his	§	
Official Capacity as Director, Bureau of	§	
Alcohol, Tobacco, Firearms and Explosives,	§	
and	§	
MERRICK B. GARLAND, in his	§	
Official Capacity as Attorney General	§	
of the United States,	§	
Defendants.	§	

PARTIES' RESPONSE TO THE COURT'S ORDER FOR A DISPOSITIVE BRIEFING SCHEDULE

The parties hereby respond to the Court's order that the parties submit a proposed briefing schedule for dispositive motions. (ECF No. 34). The Court's Order states: "The issues before the Court are seemingly comprised of only questions of law and there does not appear to be any disputed factual matters or a need for factual discovery." Defendants agree with the Court's assessment, but Plaintiffs do not, as reflected in Plaintiffs' objection filed contemporaneously herewith. The parties agree that Defendants will file a response to Plaintiffs' objection within seven (7) days thereof, by November 7, 2022.

If the Court proceeds to briefing notwithstanding Plaintiffs' objection, the parties propose the following schedule for dispositive motions:

December 12, 2022: Plaintiffs' motion for summary judgment;

January 20, 2023: Defendants' combined motion for summary judgment and response to Plaintiffs' motion for summary judgment;

February 10, 2023: Plaintiffs' combined response to Defendants' motion for summary judgment and reply to Defendants' response to Plaintiffs' motion for summary judgment;

March 3, 2023: Defendants reply to Plaintiffs' response to Defendants' motion for summary judgment.

Respectfully submitted,

KEN PAXTON

Attorney General of Texas

BRENT WEBSTER

First Assistant Attorney General

AARON F. REITZ

Deputy Attorney General for Legal Strategy

State Bar No. 24105704

/s/ Charles K. Eldred

CHARLES K. ELDRED

Special Counsel for Legal Strategy

State Bar No. 00793681

OFFICE OF THE ATTORNEY GENERAL OF TEXAS

P. O. Box 12548

Austin, Texas 78711-2548

(512) 936-1706 • fax (512) 320-0167

charles.eldred@oag.texas.gov

Attorneys for Ken Paxton, Attorney General of Texas

BRIAN M. BOYNTON

Principal Deputy Assistant Attorney General

Civil Division

LESLEY FARBY

Assistant Branch Director

/s/ Emily B. Nestler

EMILY B. NESTLER (NY Bar # 4398095)

Trial Attorney

United States Department of Justice

Civil Division, Federal Programs Branch

1100 L Street, NW

Washington, D.C. 20005

Tel: (202) 616-0167

Email: emily.b.nestler@usdoj.gov

Counsel for Defendants

/s/ Tony K. McDonald

TONY K. MCDONALD

State Bar No. 24083477

GARRETT MCMILLAN

State Bar No. 24116747

THE LAW OFFICES OF TONY McDonald

1501 Leander Dr., Suite B2

Leander, Texas 78641

(512) 200-3608 • fax (815) 550-1292

tony@tonymcdonald.com

WARREN V. NORRED

State Bar No. 24045094

NORRED LAW, PLLC

515 E. Border Street

Arlington, Texas 76010

(817) 704-3984 • fax (817) 524-6686

warren@norredlaw.com

Attorneys for David Schnitz, Tracy Martin, and Floice Allen

3

CERTIFICATE OF SERVICE

We certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on October 31, 2022.

Emily B. Nestler
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street N.W.
Washington, DC 20005
emily.b.nestler@usdoj.gov

Attorney for Defendants

/s/ Charles K. Eldred /s/ Tony K. McDonald
Charles K. Eldred Tony K. McDonald